



Southern Shrimp Alliance

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October 22, 2012

Dr. Margaret Hamburg, MD
Commissioner
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993-0002

Re: Safety of Imported Seafood from Vietnam

Dear Commissioner Hamburg,

A Bloomberg news story published this month ("Asian Seafood Raised in Pig Feces Approved for U.S. Consumers") described grossly insanitary conditions in facilities in Ca Mau, Vietnam producing shrimp for export to the U.S. market:

At Ngoc Sinh Seafoods Trading & Processing Export Enterprise, a seafood exporter on Vietnam's southern coast, workers stand on a dirty floor sorting shrimp one hot September day. There's trash on the floor, and flies crawl over baskets of processed shrimp stacked in an unchilled room in Ca Mau.

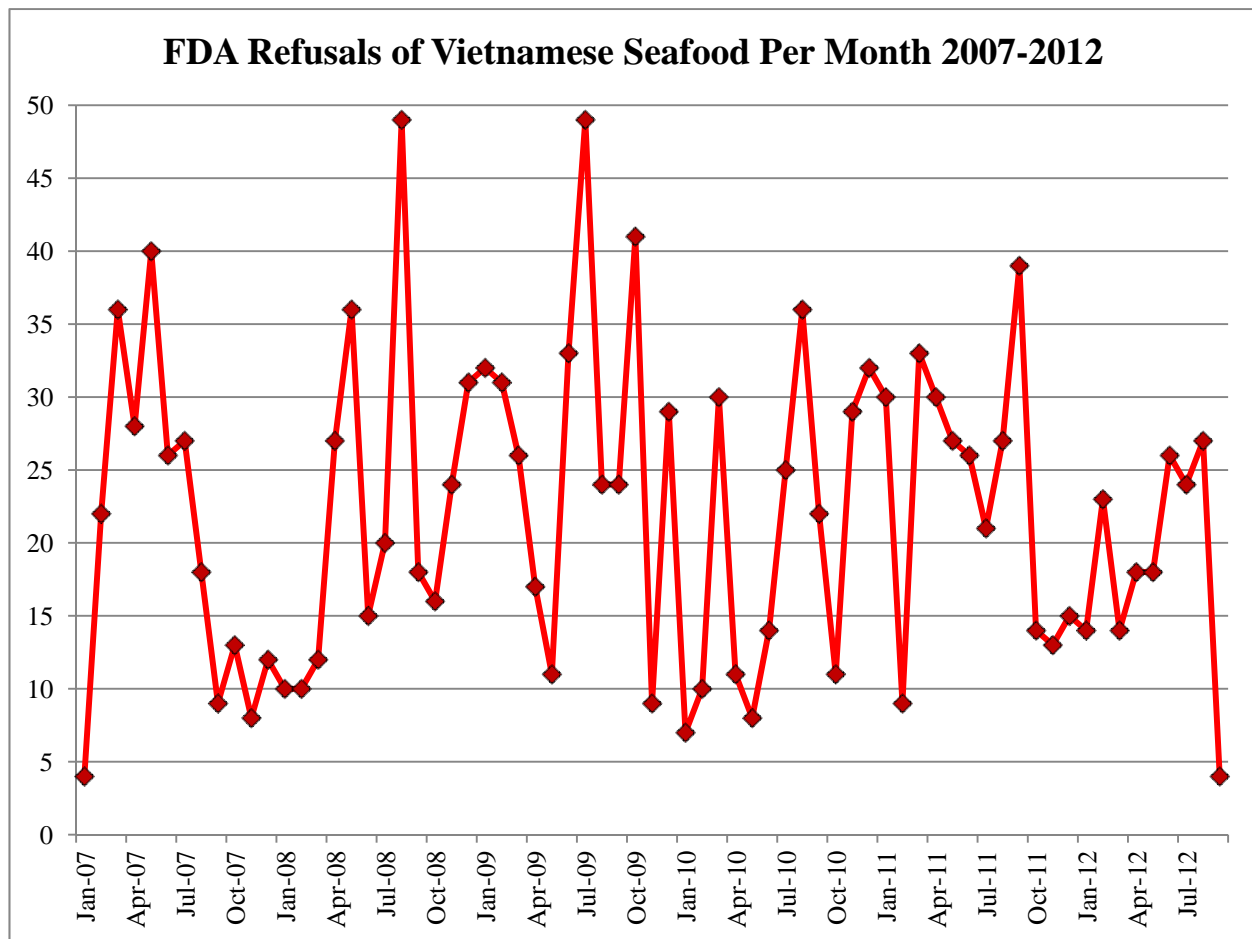
Elsewhere in Ca Mau, Nguyen Van Hoang packs shrimp headed for the U.S. in dirty plastic tubs. He covers them in ice made with tap water that the Vietnamese Health Ministry says should be boiled before drinking because of the risk of contamination with bacteria. Vietnam ships 100 million pounds of shrimp a year to the U.S. That's almost 8 percent of the shrimp Americans eat.¹

In response to the story, seafood importers have argued that this description unfairly portrays an industry that has made substantial strides in improving conditions. To support their claim, industry publicists have argued that FDA rejections of Vietnamese seafood have fallen significantly over the last few months.

¹ Nguyen Dieu Tu Uyen and William Bi, "Asian Seafood Raised in Pig Feces Approved for U.S. Consumers," Bloomberg Markets Magazine (Oct. 11, 2012), available at: <http://www.bloomberg.com/news/2012-10-11/asian-seafood-raised-on-pig-feces-approved-for-u-s-consumers.html>.

Given the history of the Vietnamese seafood industry, a significant reduction in FDA rejections would be remarkable. Nevertheless, the claim is correct – in September, FDA reported rejecting only *four* entry lines of seafood from Vietnam.

The September results represent a stunning departure from what FDA has reported over the last several years. Indeed, our review of Import Refusal data made available through FDA OASIS indicates that the last time that so few Vietnamese seafood exports warranted refusal was over 67 months ago, in January of 2007:



Summarizing the chart above, in the sixty-nine month time period covered there were 1,524 refusals of entry lines of Vietnamese seafood, an average of a little over 22 refusals a month. These refusals constituted 12.6% of the 12,084 fishery/seafood product entry lines refused by FDA over that time period. The four refusals in September represented only 2.7% of the 148 fishery/seafood product entry lines refused last month.

What happened? Has the Vietnamese seafood industry, in fact, improved consistent with the assertions of seafood importers?

A recent check of the Mandatory Inspection List (MIL) indicates that in September the Canadian Food Inspection Agency made at least seven more additions to the list regarding Vietnamese exporters. Three companies, including Lang Tram Seafoods (a factory operated by Seaprodex Minh Hai),² Quangninh Sea Products Export Company, and Thuan Thien Producing Trading Limited Company, were added based on fluoroquinolones. Despite the fact that each of these three companies exports to the United States, none are listed on FDA's Import Alert 16-124 ("Detention Without Physical Examination Of Aquaculture Seafood Products Due To Unapproved Drugs").

In Japan, nine shipments of Vietnamese shrimp were rejected in September alone – including one for the presence of the fluoroquinolone enrofloxacin (Soc Trang Seafood Joint Stock Company aka Stapimex) and another for the presence of the nitrofurantoin furazolidone (C.P. Vietnam Livestock Corp.). Like the Vietnamese exporters added to the Canadian MIL, both of these companies export to the United States, yet neither are listed on Import Alert 16-124 or Import Alert 16-129 ("Detention Without Physical Examination Of Seafood Products Due To Nitrofurans").

Indeed, there are no Vietnamese exporters currently listed on the FDA's Import Alert for nitrofurans. Canada's MIL, in contrast, lists eight companies because of nitrofurans.³ For its part, Japan rejected a shipment of shrimp from Soc Trang Seafood Joint Stock Company (Stapimex) for the presence of the nitrofurantoin furazolidone in March. The FDA has, itself, found the presence of nitrofurans in Vietnamese seafood exports to the United States, refusing four entry lines of pangasius from NTSF Seafoods Joint Stock Company in August.

Even more troubling are recent detections of chloramphenicol in seafood exports from Vietnam. Soc Trang Seafood Joint Stock Company (Stapimex) is a major supplier of shrimp to the U.S. market, exporting substantial quantities to mainstream seafood importers and distributors. In October, Stapimex achieved the trifecta in Japan by having a shipment of shrimp also rejected for chloramphenicol, building on its rejections the month prior for enrofloxacin and in March for furazolidone. In June, Japan rejected another shipment of shrimp from Vietnam for the presence of chloramphenicol. A month earlier, Sweden issued a notice to the rest of the European Union following the detection of chloramphenicol in a shipment of black tiger shrimp from Vietnam. And Canada has added only one company to its MIL for amphenicols this year: Vietnam's Quangninh Sea Products Export Company.

² See <http://www.seaminhhai.com/node/9>.

³ Hai Thanh Food Co. Ltd.; Seafood and Agricultural Products Co. of Vien Thang; My Phat Ltd. Co.; Tin Thinh Co., Ltd.; Ha Viet Corporation (HAVICO); Binh Dong Fisheries Joint Stock Company; Hung Loi Manufacturing & Trading Company Limited; and, most recently, Lucky Shing Enterprise Co.

If Vietnam's aquaculture industry has made substantial strides to clean itself up, this is not apparent from the data available from other regulatory agencies. In 2012:

- the European Union's Rapid Alert System for Food and Feed (RASFF) has issued ten alerts for the detection of veterinary drug residues in crustaceans. Two of these (20%) are for shrimp from Vietnam.
- There are 54 companies on Canada's MIL for fluoroquinolones, 39 of which are from Vietnam (72%). Incredibly, 20 of these 39 exporters had shipments refused for the presence of fluoroquinolones in 2012 alone.
- The Australian Quarantine and Inspection Service (AQIS) has reported 278 distinct imported food entry failures on its monthly *Failing Foods* reports between January 2012 and August 2012 (the most recent month published). Of these, 10 are for Vietnamese seafood products contaminated with fluoroquinolones. In other words, Vietnamese seafood with fluoroquinolones accounted for 3.6% of ***all*** imported food rejections in Australia so far this year.
- Through mid-October, Japan has rejected 826 shipments of various imports for violations of its food sanitation laws. Of these, 52 represent rejections of Vietnamese frozen shrimp imports. In other words, Vietnamese frozen shrimp imports accounted for 6.3% of ***all*** imported foods in Japan so far this year.

For its part, the FDA has added two Vietnamese seafood exporters to Import Alert 16-124 so far this year for the presence of fluoroquinolones. Yet there continues to be little indication otherwise of increased scrutiny of Vietnamese seafood imports. Worse, ***decreased*** refusals despite global alarm have given comfort to U.S. importing interests that insist no problem exists ***and therefore nothing further need be done.***

This is our third letter on the subject of Vietnamese seafood in the last year. No other major seafood exporting industry has produced as abysmal a food safety record as Vietnam. There is no evidence that the situation has improved; indeed, everything that we have reviewed indicates that the problem has in fact worsened with time.

We again repeat that while seafood from the Gulf of Mexico, including shrimp, has been subjected to rigorous testing to ensure the safety and wholesomeness of these products, we continue to see imported products in our marketplace that do not comply with our food safety laws and regulations and, in direct result, are available for sale at substantially lower prices. More importantly, the findings of the Australian, Canadian, European Union, and Japanese governments regarding the continued presence of antibiotics in Vietnamese seafood exports cannot be discounted as protectionist measures. There are no significant domestic shrimp industries to protect in those nations. The aggressive action taken to protect citizens from harm in those jurisdictions would obviously be similarly appropriate in this country.

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October 22, 2012

Page 5

Again, should you believe that our review of the available data has led to erroneous conclusions, we would be grateful for any clarification to assist in our understanding of FDA's oversight of imported seafood.

Sincerely,

A handwritten signature in black ink, appearing to read "John Williams".

John Williams
Executive Director

cc: Senator Tom Harkin, Chairman, Committee on Health, Education, Labor and Pensions
Senator Michael B. Enzi, Ranking Minority Member, Committee on Health, Education, Labor and Pensions
Senator Kay R. Hagan, Member, Committee on Health, Education, Labor and Pensions
Senator Richard Burr, Member, Committee on Health, Education, Labor and Pensions
Senator Johnny Isakson, Member, Committee on Health, Education, Labor and Pensions
Congressman Fred Upton, Chairman, Committee on Energy and Commerce
Congressman Henry A. Waxman, Ranking Minority Member, Committee on Energy and Commerce
Congressman Steve Scalise, Member, Committee on Energy and Commerce
Congressman Bill Cassidy, Member, Committee on Energy and Commerce
Congressman John Barrow, Member, Committee on Energy and Commerce
William Jones
Melissa Ellwanger
Stephen F. Sundlof
Nega Beru
Barbara Montwill